

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
BERIAM ORTIZ,

Index No.: 07 CIV
10365

Plaintiff

v.

ERIN KATHLEEN BARLOW, TOYOTA MOTOR CREDIT,
CORP. AND CAROL SHERMAN,

Defendants
-----x

**STATEMENT OF
UNCONTESTED FACTS**

**JUDGE ASSIGNED:
HON. D. CHIN**

Pursuant to Local Rule 56.1, Defendant Carol Sherman
submits the following Statement of Uncontested Material
Facts:

1. The accident occurred on April 20, 2007, on the
Bruckner Boulevard Expressway at or near the intersection
with East Tremont Avenue, Bronx, New York. (Police
Accident Report attached to Plaintiff's Notice of Motion
Exhibit "F").

2. Defendant Carol Sherman was driving with traffic
when she was struck in the rear by Plaintiff Beriam Ortiz's
vehicle. (Exhibit "D", attached to Plaintiff's Notice of
Motion, Affidavit by Beriam Ortiz).

Dated: White Plains, New York
May 19, 2008


John R. Marquez - 3623

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Plaintiff

v.

AFFIDAVIT OF SERVICE

ERIN KATHLEEN BARLOW, TOYOTA MOTOR CREDIT,
CORP. AND CAROL SHERMAN,

Defendants
-----x

STATE OF NEW YORK)
 ss.
COUNTY OF WESTCHESTER)

Linda McKeiver, being duly sworn, deposes and says:

1. That I am over the age of eighteen years and not a party
to this action.

2. That on May *19*, 2008, I served upon:

Jay S. Hausman & Associates, PC.
Attorneys for Plaintiff,
Beriam Ortiz
280 North Central Avenue
Hartsdale, New York 10530

Loretta J. Hottinger, Esq.
Attorneys for Co-Defendant,
Erin Kathleen Barlow
17 State Street, 25th Floor
New York, New York 10004

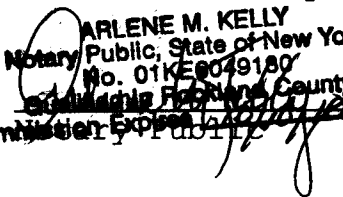
a true copy of the annexed **STATEMENT OF UNCONTESTED FACTS**
by depositing it endorsed in a postpaid properly addressed
wrapper, in a post office or, official depository under the
exclusive care and custody of the United States Postal
Service within the State of New York, at the address
designated by him or her upon the last paper served by him

or her in the action.

DATED: May 19, 2008
White Plains, New York


Linda McKeiver

Sworn and subscribed
before me on May 19, 2008


ARLENE M. KELLY
Notary Public, State of New York
No. 01KE0049180
Westchester County
Commission Expires 12/31/11
Commission Expires 12/31/11

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Plaintiff

-against-

ERIN KATHLEEN BARLOW, TOYOTA MOTOR CREDIT, CORP. AND
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Defendants

STATEMENT OF UNCONTESTED FACTS

EUSTACE & MARQUEZ
Attorneys for Defendant
Carol Sherman
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